

**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

American Standard Mortgage Company, and  
  
Robert Tyler-Cook,  
President and Designated Broker,  
Respondents.

NO. C-03-149-03-CO01

CONSENT ORDER BETWEEN

THE DEPARTMENT and  
AMERICAN STANDARD MORTGAGE  
CORPORATION and  
ROBERT TYLER-COOK

COMES NOW the Director of the Department of Financial Institutions (Director), through her designee Chuck Cross, Acting Director, Division of Consumer Services, American Standard Mortgage Company (hereinafter as "ASMC"), and Respondent Robert Tyler-Cook (hereinafter as "Tyler-Cook") (collectively "Respondents") and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

**I. AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-03-149-03-SC01, entered July 29, 2003, (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve Statement of Charges No. C-03-149-03-SC01, entered July 29, 2003.

Based upon the foregoing:  
CONSENT ORDER – ASMC and COOK  
  
C-03-149-03-CO01

1           A. It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed  
2 herein.

3           B. It is AGREED that the parties shall be bound by the terms and conditions of this Consent Order as set  
4 forth herein.

5           C. It is AGREED that Respondents have been informed of the right to a hearing before an administrative law  
6 judge, and that they have waived their right to a hearing and any and all administrative and judicial review of the issues  
7 raised in this matter, or of the resolution reached herein.

8           D. It is AGREED that Respondents shall make restitution to consumers in the amount of \$\*\*\*\*\*and provide  
9 the Department with written proof of such payment. If restitution cannot be made to any particular consumer,  
10 Respondents shall take the necessary steps to escheat such funds to the state and provide the Department with written  
11 proof of such action. The “written proof” at a minimum must consist of copies of the front and back of cancelled  
12 checks.

13           E. It is AGREED that Respondents shall pay a fine of \$1500.00 to the Department upon entry of this order.  
14 Entry of this order is the date upon which the order is signed by the Director’s designee.

15           F. It is AGREED that Respondents shall pay an examination fee of \$286.68, calculated at \$47.78 per hour  
16 for 6 staff hours devoted to the investigation.

17           G. It is AGREED that ASMC, its principals, officers, directors, and employees and Tyler-Cook shall  
18 cooperate fully, truthfully and completely with the Department and provide any and all information known  
19 relating in any manner to ASMC, and any and all persons involved or in any way associated with this company,  
20 including but not limited to employees, businesses and persons with whom the company dealt, communicated, or  
21 otherwise related. It is further AGREED that ASMC, its principals, officers, and directors and Tyler-Cook shall  
22 provide any and all documents, writings or materials, or objects or things of any kind in their possession or under  
23 their care, custody, or control relating directly or indirectly to all areas of inquiry and investigation. A failure to  
24 cooperate fully, truthfully and completely is a breach of this Consent Order.

1 H. Respondents AGREE to comply with the Mortgage Broker Practices Act and the rules adopted thereunder,  
2 particularly the provisions relating to licensure of branches.

3 I. It is AGREED that Respondents understand that failure to abide by the terms and conditions of this  
4 Consent Order may result in further legal action by the Director. In the event of such legal action, Respondents  
5 may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not  
6 limited to, attorney fees.

7 J. It is AGREED that the conduct giving rise to the issuance of the above-referenced Statement of Charges  
8 will not be considered by the Department in the assessment of any current or future applications for mortgage broker  
9 licenses (main or branch) in the state of Washington, in the event ASMC wishes to pursue such application.

10 K. It is AGREED that the undersigned have represented and warranted that they have the full power and right  
11 to execute this Consent Order on behalf of the parties represented.

12 L. It is AGREED that the undersigned Respondents have voluntarily entered into this Consent Order, which is  
13 effective when signed by the Director's designee.

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1 M. It is AGREED that Respondents have read this Consent Order in its entirety and fully understand and  
2 agree to all of the same.

3 **RESPONDENTS:**

4 **American Standard Mortgage Corporation**

5 By:

6  
7 Signature

\_\_\_\_\_  
Date

8  
9 Print Name and Title

10 **Robert Tyler-Cook, President and Designated Broker**

11  
12 Signature

\_\_\_\_\_  
Date

13  
14  
15 THIS ORDER ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

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18 \_\_\_\_\_  
19 Chuck Cross, Acting Director  
20 Division of Consumer Services  
21 Department of Financial Institution